

REMARKS

In the August 1, 2006 Office Action, the Examiner:

1. Rejected claims 115, 116, 7-11, 37 and 39-46 under 35 U.S.C. 101, because the claimed invention is directed to a non-statutory subject matter;
2. Rejected claims 2-37, 39-70, 76-82, 101, 106-111 and 113-116 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
3. Rejected claims 2-15, 18-32, 34-37, 39-56, 63-68, 76-77, 101 and 106-116 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210);
4. Rejected claims 16 and 17 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Chen (U.S. Pat. No. 5,991,737);
5. Rejected claim 33 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210)) and further in view of Hauser (U.S. Pat. No. 6,061,789);
6. Rejected claims 69-70, 78-82 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Alaia;
7. Rejected claims 57-61 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Mori et al.;
8. Rejected claims 57-61 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Rupp (PG Pub. 2001/0027431A1);
9. Rejected claim 62 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Godin et al. (U.S. Pat. No. 5,890,138); and
10. Allowed claims 74 and 75.

1. Rejection of claims 115, 116, 7-11, 37 and 39-46 under 35 U.S.C. 101, because the claimed invention is directed to a non-statutory subject matter

Claims 115, 116, 7-11, 37 and 39-46 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

2. Rejection of claims 2-37, 39-70, 76-82, 101, 106-111 and 113-116 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claims 2-37, 39-70, 76-82, 101, 106-111 and 113-116 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

3. Rejection of claims 2-15, 18-32, 34-37, 39-56, 63-68, 76-77, 101 and 106-116 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210)

Claims 2-15, 18-32, 34-37, 39-56, 63-68, 76-77, 101 and 106-116 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

4. Rejection of claims 16 and 17 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Chen (U.S. Pat. No. 5,991,737)

Claims 16 and 17 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

5. Rejection of claim 33 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210)) and further in view of Hauser (U.S. Pat. No. 6,061,789)

Claim 33 has been cancelled without prejudice. Applicant reserves the right to prosecute this claim in a continuation application.

6. Rejection of claims 69-70, and 78-82 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Alaia

Claims 69-70, and 78-82 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

7. Rejection of claims 57-61 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Mori et al.

Claims 57-61 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

8. Rejection of claims 57-61 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Rupp (PG Pub. 2001/0027431A1)

Claims 57-61 have been cancelled without prejudice. Applicant reserves the right to prosecute these claims in a continuation application.

9. Rejection of claim 62 under 35 U.S.C. 103(a) as unpatentable over Carlton-Foss (U.S. 6,647,373) in view of Call (U.S. Pat. No. 5,913,210) and further in view of Godin et al. (U.S. Pat. No. 5,890,138)

Claim 62 has been cancelled without prejudice. Applicant reserves the right to prosecute this claim in a continuation application.

10. Allowance of claims 74 and 75.

Thank you.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant encourages the Examiner to call the undersigned attorney at 650-843-7528 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 61747-5000-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: October 31, 2006

Robert Beyers

46,552

Robert B. Beyers Ph.D (Reg. No.)
MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, California 94306
(650) 843-4000